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benefit of the grantor (who is an unmarried woman, but who is shortly thereafter married), for the term of her natural life, with the further provision that, at the death of the grantor, the property conveyed shall pass to her children, if any, and if none, to her heirs at law, as though the same were real estate, is a deed, and is not a power of attorney, nor a will, nor a writing partaking of the double nature of power of attorney and will, and therefore is not revocable.

REUSCH v. ROANOKE COLD STORAGE Co.—Decided at Wytheville, June 20, 1895.—*Harrison, J:*

1. **LIBEL**—*Declaration*—evidence—special damage—privileged communication—malice. In an action for libel under Section 2897 of the Code, where no special damage is claimed except from loss of customers, no proof can be received of the loss of any customers except those mentioned in the declaration. Where the supposed libel is the publication of a privileged communication, the question of malice should be submitted to the jury.

2. **LIBEL**—*Corporation*—admission—*res gestae*. In an action for libel against a corporation, the admissions of the general manager of the corporation, made weeks after the publication of the supposed libel, constitute no part of the *res gestae* and cannot be given in evidence against the corporation.

3. **INSTRUCTIONS**—*Evidence*. Instructions should not be given when there is no evidence on which to base them.

Quaere: Can an action for libel be maintained against a corporation under Section 2897 of the Code, as at common law?